

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LAVADA E. KOLLAR,)	CASE NO. 1:12 CV 2598
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
AMANDA RASBACH YURECHKO,)	<u>AND ORDER</u>
)	
Defendant.)	

On October 17, 2012, Plaintiff *pro se* Lavada E. Kollar filed this *in forma pauperis* action against Amanda Rasbach Yurechko. Plaintiff alleges she was a resident at the Greenbriar Nursing Home in August 2010, but transferred to the Valley Renaissance Nursing Home (“Valley Nursing”), where she stayed for two weeks in September 2010. She left there “due to neglect, breach of contract, infliction of emotional distress, medical malpractice and elderly abuse.” A dispute concerning the charges at Valley Nursing led to an agreement in a Mahoning County court, but defendant has nevertheless maintained a lien on Plaintiff’s property. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915(e).

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194,

197 (6th Cir. 1996).

This action lacks an arguable basis in law. There are no facts set forth in the Complaint suggesting a proper basis for this Court's jurisdiction, as the parties are both located in Ohio and no federal statute is implicated by Plaintiff's claim. This action is therefore appropriately subject to summary dismissal. *Lowe v. Hustetter*, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, the request to proceed *in forma pauperis* is granted, and this action is dismissed under section 1915(e). The dismissal is without prejudice to any valid state law claim Plaintiff may have under the facts alleged. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: January 2, 2013

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE